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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,005	07/11/2003	Richard B. Rehrig	086332.1	4380

34261 7590 03/10/2005

HOLLAND & KNIGHT LLP  
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LOS ANGELES, CA 90071-2040

EXAMINER
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MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/618,005	Applicant(s) REHRIG, RICHARD B.	
	Examiner William H. Mayo III	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on January 13, 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-24 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 13 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on January 13, 2005. These drawings are not approved because Figures 2-4 lack the proper cross-hatching which indicates the type of materials, which may be in an invention. Specifically, the cross hatching to indicate the conductor is improper. The applicant should refer to MPEP Section 608.02 for the proper cross-hatching of materials. Correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Eng (Pat Num 4,310,718). Eng discloses a power cable assembly (Figs 1-3) capable of being utilized in a water-cooled welding apparatus for conveying power from welding machine to a welding torch and cooling water from the torch to a circulator reservoir (Col 1, lines 4-23). Specifically, with respect to claim 1, Eng discloses a power cable assembly (Fig 1) comprising a flexible electrical conductor (3) formed of bunched wires (2), a layer of flexible material (5) substantially encasing the conductor (3) and defining a plurality of projections (6) extending radially therefrom (Col 1, lines 50-55)

and an outer flexible conduit (1) disposed about the conductor (3) and the encasing layer (5), wherein the projections spaces the conduit (1) from the conductor (3) to define a water flow path (9 & 10) extending along the conduit (1) and surrounding the conductor (3) for the effective dissipation of heat in the conductor (3, Col 2, lines 21-34). With respect to claim 3, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55). With respect to claim 5, Eng discloses that the projections (6) abut the flexible conduit (1) at interior projections (1a) so as to position the conductor (3) in substantial axial alignment with the conduit (1) to provide a substantially uniform water flow about the conductor (3, Cols 1-2, lines 64-68 & 1-2 respectively). With respect to claim 11, Eng discloses a power cable assembly (Figs 1-3) capable of being utilized in air cooled welding apparatus for conveying power and inert gas to a welding torch (Col 1, lines 4-23), wherein the power cable assembly (Fig 1) comprising a flexible electrical conductor (3) formed of bunched wires (2), a layer of flexible material (5) substantially encasing the conductor (3) and defining a plurality of projections (6) extending radially therefrom and an outer conduit (1) disposed about the conductor (3) and defining a plurality of projections (6) spacing the conduit (1) from the conductor (3) so as to define a gas flow path (9 & 10) extending along the conduit (1) and surrounding the conductor (3, Fig 1). With respect to claim 13, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55). With respect to claim 15, Eng discloses that the projections (6) abut the flexible conduit (1) at interior projections (1a) so as to position the conductor (3) in substantial axial alignment with the conduit (1) a substantially uniform gas flow about

the conductor (3, Cols 1-2, lines 64-68 & 1-2 respectively). With respect to claim 17, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 6-10, 12, 14, and 16-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eng (Pat. Num 4,310,718) in view of Madry (DE Pat Num 36 32 722A1). Eng discloses a power cable assembly (Figs 1-8) capable of being utilized in a water cooled welding apparatus for conveying power from welding machine to a welding torch and cooling water from the torch to a circulator reservoir (Col 1, lines 13-50) as disclosed above with respect to claims 1 & 11. Specifically, with respect to claims 7 & 17, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55). With respect to claim 9, Eng discloses that the power cable assembly (Fig 1) comprises an outer flexible conduit (1), a flexible electrical conductor (3) formed of bunched wires disposed within the conduit (2, Fig 1), a layer of flexible material (5) encasing the conductor (3) and a plurality of projections (6) extending radially therefrom (Fig 1) from encasing layer (6) and spacing the conductor (3) and encasing layer (5) from the outer flexible conduit (1) so as to define a water flow

path within the conduit extending along the conduit (1) and surrounding the conductor (3) to define a water flow path (9 & 10) extending along the conduit (1) and surrounding the conductor (3) for the effective dissipation of heat in the conductor (1, Col 2, lines 21-34) and a pair of end fittings (not numbered, Col 1, lines 35-40, connected to a movable welder implies that the cable is connected). With respect to claim 10, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55). With respect to claim 19, Eng discloses that the power cable assembly (Fig 1) comprises an outer flexible conduit (1), a flexible electrical conductor (3) formed of bunched wires disposed within the conduit (2, Fig 1), a layer of flexible material (5) encasing the conductor (3) and a plurality of projections (6) extending radially therefrom (Fig 1) from encasing layer (5) and spacing the conductor (3) and encasing layer (5) from the outer flexible conduit (1) so as to define a gas flow path within the conduit (1) extending along the conduit (1) and surrounding the conductor (3, Col 2, lines 21-34) and a pair of end fittings (not numbered) capable of securing the power cable assembly between the welding torch and welding machine in fluid and electrical communication (Col 1, lines 35-40, connected to a movable welder implies that the cable is connected). With respect to claim 20, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55). With respect to claim 21, Eng discloses that the power cable assembly (Fig 1) may have a pair of end fittings (not numbered) capable of being utilized in a water cooled apparatus (Col 1, lines 4-24), the assembly comprising an outer flexible conduit (1), a flexible electrical conductor (3) formed of bunched wires (2) disposed within the

conduit (1, Fig 1), a layer of flexible material (5) encasing the conductor (3) and a plurality of projections (6) extending radially therefrom (Fig 1) from encasing layer (5) and spacing the conductor (3) and encasing layer (5) from the outer flexible conduit (1) so as to define a water flow path within the conduit extending along the conduit (1) and surrounding the conductor (3) to define a water flow path (9 & 10) extending along the conduit (1) and surrounding the conductor (3, Col 2, lines 21-34). With respect to claim 22, Eng discloses that the radial projections (6) are integrally formed with the layer of flexible material (5, Col 1, lines 50-55).

However, Eng doesn't necessarily disclose the flexible material being a plastic material having a thickness within the range of about 0.008-0.015 inches (claims 2, 4, 6, 8-10, 12, 14, 16, 18-19, and 23-24).

Madry teaches a high voltage power cable (Figs 1-2) that reduces capacitance thus enabling fast current and voltage changes (see basic abstract 2 & 3). Specifically, Madry teaches a cable (Fig 1) comprising a flexible material (3) having projections (4) which is surrounded by a conduit (5), wherein the projections (4) create passages (6) for the cooling of the cable (Fig 1), and wherein the flexible material (3) is made of a plastic material (i.e. polyethylene) having a thickness (see abstract, Fig 1).

With respect to claims 2, 4, 6, 8-10, 12, 14, 16, 18-19, and 23-24, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the cable of Eng to comprise the flexible plastic material configuration as taught by Madry because Madry teaches that such a configuration reduces capacitance thus enabling fast current and voltage changes (see basic abstract

2 & 3) and since it has been held to be within general skill of a worker in the art to select a known material, such as polyethylene, on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claims 2, 4, 6, 8-10, 12, 14, 16, 18-19, and 23-24, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flexible material plastic material of modified Eng to comprise thickness within the range of about 0.008-0.015 inches, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is Goodman (Pat Num 3,801,724), which disclose water cooled assemblies.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



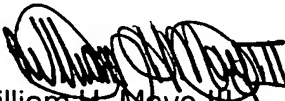
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Communication***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
March 4, 2005